

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
vs.)	No. 12-CR-00140-PB
)	
LISA BIRON)	
,)	
)	
Defendant)	

**OBJECTION TO NOTICE CONCERNING ELECTRONIC
COMMUNICATION FROM CELL PHONE**

Defendant Lisa Biron, through her counsel, respectfully objects to Governments notice regarding electronic communications from a cell phone seized from the defendant's home.

As grounds in support of this Objection, it is stated:

1. Jury selection is currently scheduled for January 7, 2013. On this day, January 7, 2013, counsel received from the Government a letter which stated, *inter alia*, as follows: "As I previously discussed with you, and indicated in my letter of January 3, 2013, all of the messages recovered from your client's cell phone are stored in electronic format for your review. Due to the pornography that is embedded in may of those messages, I have not forwarded them to you."

2. As indicated in that letter, counsel for Lisa Biron has only recently been made aware that such electronic communications exist, he has not been provided copies of those communications, he does not know the extent of those communications nor what they contain.

3. Additionally, there is no mention of electronic communications in the Government's list of proposed exhibits submitted on January 2, 2013.

4. The Government has had this cell phone in its possession since November 16, 2012 when the cell phone was seized by Special Agent Gibeley pursuant to a search warrant.

5. The failure to provide this information in a timely fashion is a violation of Local Rules 116.1(a)1, (b) and (d). The failure to provide this evidence is highly prejudicial to the defendant as she has no time to review, digest and counter this evidence.

For the foregoing reasons, the defendant respectfully requests objects to Government's notice regarding electronic communications from a cell phone seized from the defendant's home.

Respectfully submitted,

/s/ James H. Moir

JAMES H. MOIR, #1783
Moir & Rabinowitz, PLLC
5 Green Street
Concord, NH 03301
(603) 224-3500
Attorney for Defendant
Lisa Biron

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case, and a copy was mailed, via the United States Postal Service, to all non-CM/ECF participants.

/s/ James H. Moir

JAMES H. MOIR